

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN HENSCHKE, et al.,)
Plaintiff,)
v.) Case No. 4:14CV01570 AGF
REPUBLIC SERVICES, INC., et al.,) LEAD CASE
Defendants.)

**MEMORANDUM AND ORDER APPROVING SETTLEMENT
OF INDIVIDUAL CASE**

This consolidated action is before the Court on the motion of the parties in one of the individual cases, *Bradke v. Republic Services, Inc.*, No. 4:14CV01781, for approval, pursuant to Missouri Revised Statute, § 507.184, of the settlement they reached with regard to the incapacitated Plaintiff in the case. A hearing was held on the matter on October 27, 2016.

Federal law looks to state law for the standard governing the approval of an incapacitated adult. *M.E. v. United States*, No. 4:05CV396-DJS, 2006 WL 1556794, at *1 (E.D. Mo. June 1, 2006). The purpose of § 507.184, regulating court approval of such a settlement, is ““to maximize the protection afforded [an incapacitated plaintiff’s] legal action and insure that any settlement is in the best interest of the [incapacitated plaintiff].”” *Id.* (quoting *Fiegener v. Freeman-Oak Hill Health Sys.*, 996 S.W.2d 767, 774 (Mo. Ct. App. 1999)).

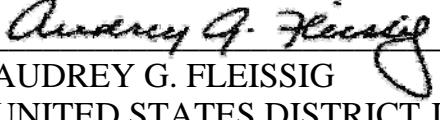
Upon review of the pleadings, the settlement agreement, the statement of counsel as to the allocation of settlement funds, the affidavit of Plaintiffs' counsel, and the representations of counsel at the hearing, the Court finds that the settlement, the allocation among Plaintiffs, and the fee agreement with counsel, are fair and reasonable and in the incapacitated Plaintiff's best interests. The amount designated for the incapacitated Plaintiff shall be paid to his Next Friend to be used on the incapacitated Plaintiff's behalf.

Accordingly,

IT IS HEREBY ORDERED that the motion for approval of settlement in *Bradke v. Republic Services, Inc.*, No. 4:14CV01781, is **GRANTED**. (Doc. No. 135.)

IT IS FURTHER ORDERED that Notice of this Memorandum and Order shall be filed in *Bradke v. Republic Services, Inc.*, No. 4:14CV01781.

IT IS FURTHER ORDERED that Plaintiffs in *Bradke v. Republic Services, Inc.*, No. 4:14CV01781, shall, within 30 days of the date of this Memorandum and Order, file dismissal papers in that case. Failure to do so may result in the Court dismissing that case.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 1st day of November, 2016.